

# Land Development Code (LDC) Text Amendment – Child Care



Planning Committee

Joel P. Dock, AICP, Planning Coordinator

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# Current Regulations - Home Care

- In-home child care regulated as Home Occupation – LDC 4.4.5
  - It is NOT defined in the LDC
  - One non-resident employee (Conditional use permit required for additional staff)
  - Registration required
  - Exempted from several requirements
    - Area/size
    - Operating hours

**NOTE:** Uses generally acceptable as home occupations include:

*In-Home Day Cares (6 or fewer individuals)\*(in effect within Louisville Metro only)*

*In-Home Day Cares (7 or fewer individuals)\*(not in effect within Louisville Metro and the City of Prospect)*

- Mail Order Operations
- Woodshops
- Beauticians

**The offices of the following professionals:**

*Accountants, Architects, Attorneys, Engineers, Real estate brokers, Sales and Manufacturing Representatives, Financial advisors, Insurance agents, Landscape architects Counselors, Mediators Travel agents, Therapists, Chiropractors, Psychologists, and Psychiatrists*

*\*Plus up to four individuals related to the operator. 922 KAR 2:100 defines "related" as having one of the following relationships with the provider: child, grandchild, niece, nephew, sibling, step-child, or child in legal custody of the provider.*

# Current Regulation – Child Care Centers

- **Child Care and Adult Care Center definitions are combined:**

**Day Care Center** - Any facility whatsoever which cares for more than eight clients not related to the operator by blood, marriage, adoption or foster care responsibility and usually under 18 years old, away from the client's own home, for periods of less than twenty-four hours per day per client. Occasional extended stays may also be provided. Such facilities may be for profit or non-profit. **This term includes Adult Day Care Center, Child Care Centers**, Nursery Schools and Kindergartens, when not accessory to an elementary school; but does not include Group Care Facilities, Residential Social Service Facilities, any center under the jurisdiction of the State Board of Education, any private school except those solely below first-grade level or any center operated by a religious institution on the same lot as the religious assembly structure.

# Current Regulations – Permitted Locations

## ■ Home Occupations: R-R to OTF, TNZD

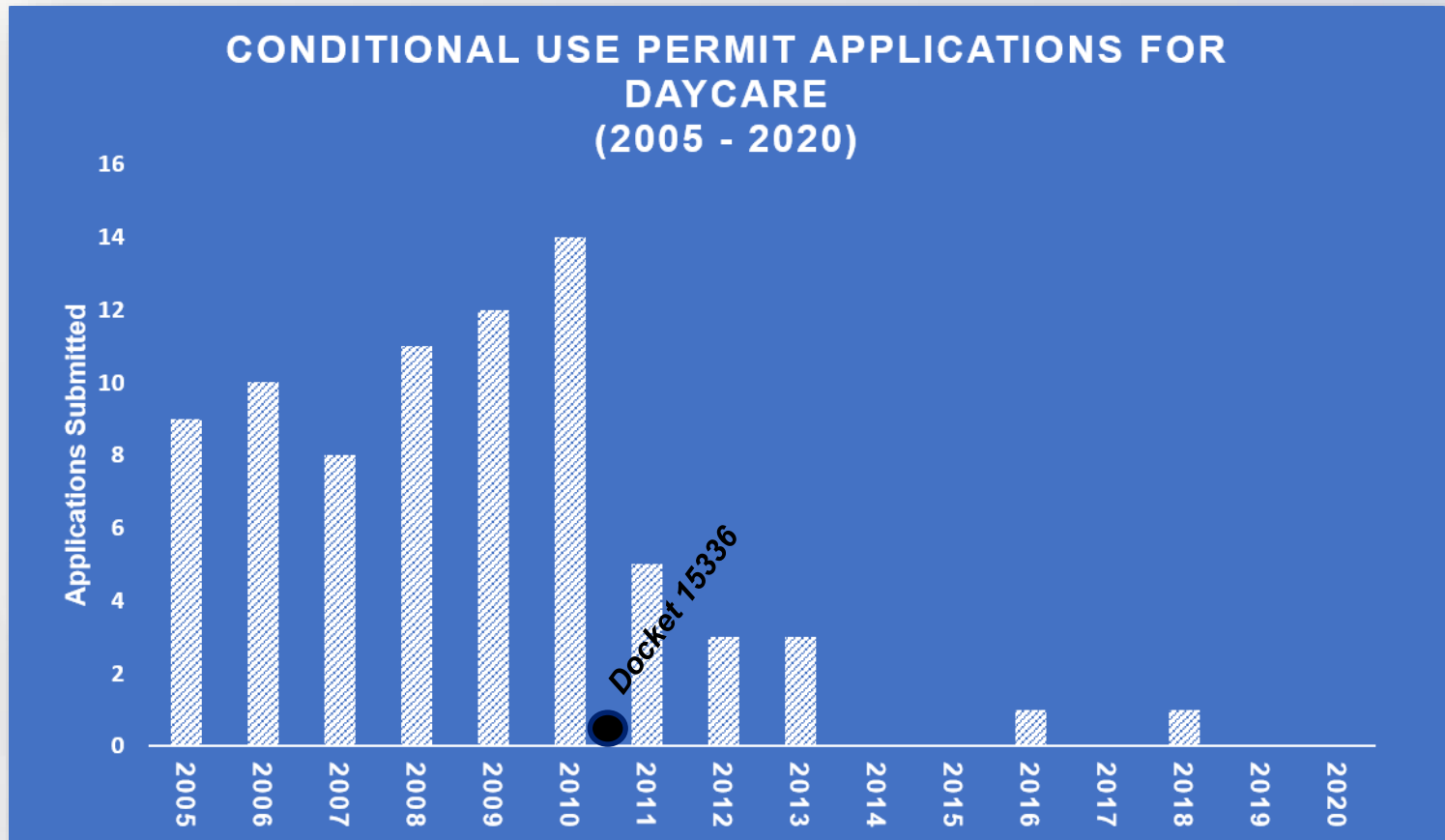
Land Use Activity	Residential															Commercial						Industrial									Standards			
	Single Family								Multi-family					Apt./Office																				
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC		W-1	W-2	W-3
Heliports	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	4.2.57	
Home occupations	C/ PS	C/ PS	C/ PS	C/ PS	C/ PS	C/ PS	C/ PS	C/ PS	C/ PS	C/ PS	C/ PS	C/ PS	C/ PS	C/ PS	C/ PS	C/ PS	C/ PS	C/ PS	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4.2.28 4.4.5

- **Child Care Centers:** R-8A through EZ-1, PRO, PEC, TNZD
- **Child Care Centers Permitted with Special Standards:** M-1
- **Child Care Centers allowed by Conditional Use Permit (CUP):** R-R through R-3 and U-N through R-7

Land Use Activity	Residential															Commercial						Industrial									Standards			
	Single Family								Multi-family					Apt./Office																				
	R-R	R-E	R-1	R-2	R-3	R-4	R-5	U-N	R-5A	R-5B	R-6	R-7	R-8A	OR	OR-1	OR-2	OR-3	OTF	C-N	C-R	C-1	C-2	C-3	CM	EZ-1	M-1	M-2	M-3	PRO	PEC		W-1	W-2	W-3
permitted within LUCS Chapter 11)																																		4.3.11
Day care centers, day nurseries, nursery schools and kindergartens	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	PS	-	-	P	P	-	-	-	4.3.11
Day care facilities (providing care for more than 6 children)	C	C	C	C	C	-	-	C	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4.2.19
Department or variety stores	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	P	-	-	-	

defined within LVCC Chapter 11)  
 Day care centers, day nurseries, nursery schools and kindergartens  
 Day care facilities (providing care for more than 6 children)  
 Department or variety stores

# Current Regulations – Conditional Use Permit (CUP)

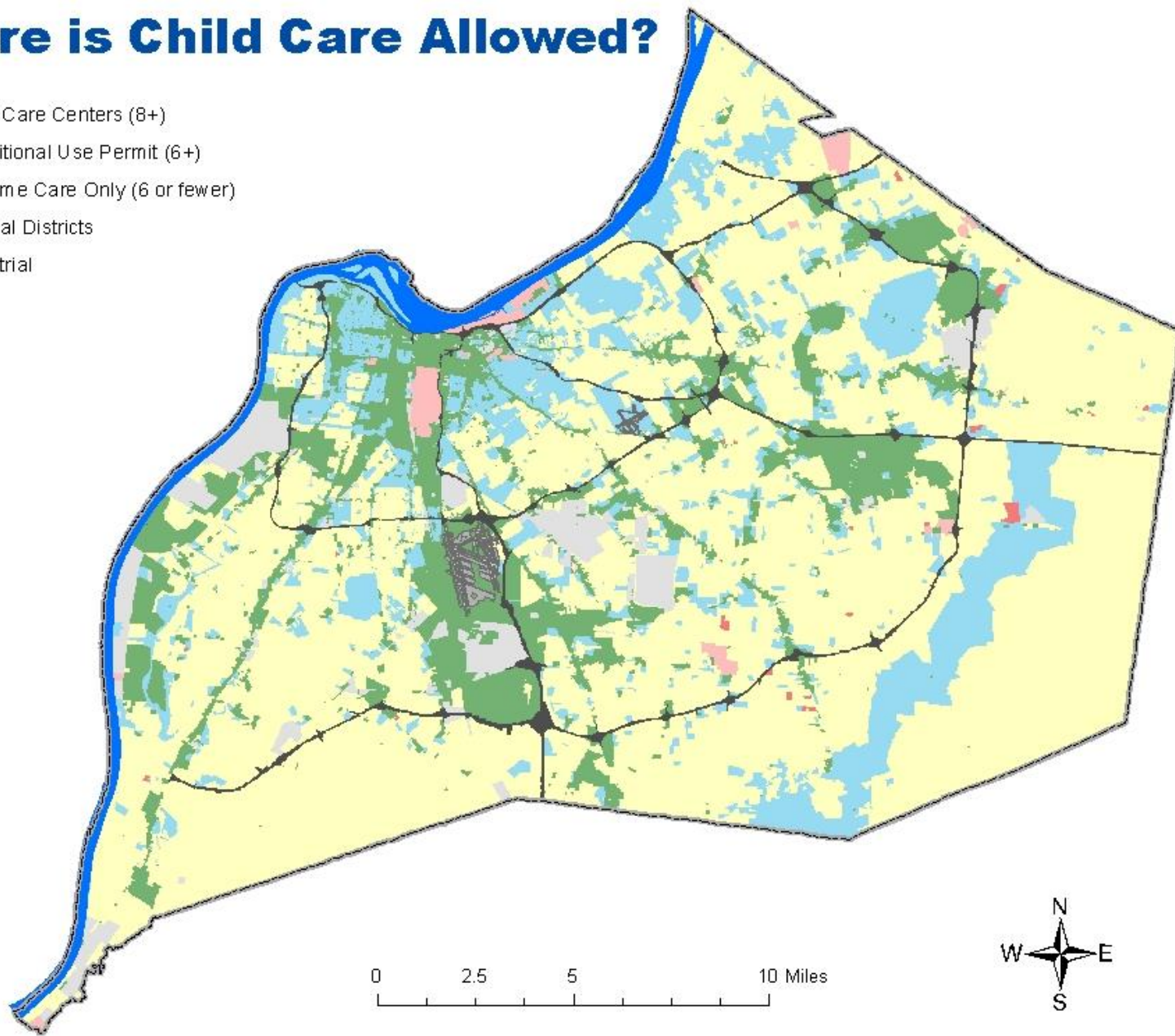


**Case 15336 (2011)** made the R-4 and R-5 zoning districts ineligible to request a CUP for 6 or more children – 60% of land area of Jefferson County



# Where is Child Care Allowed?

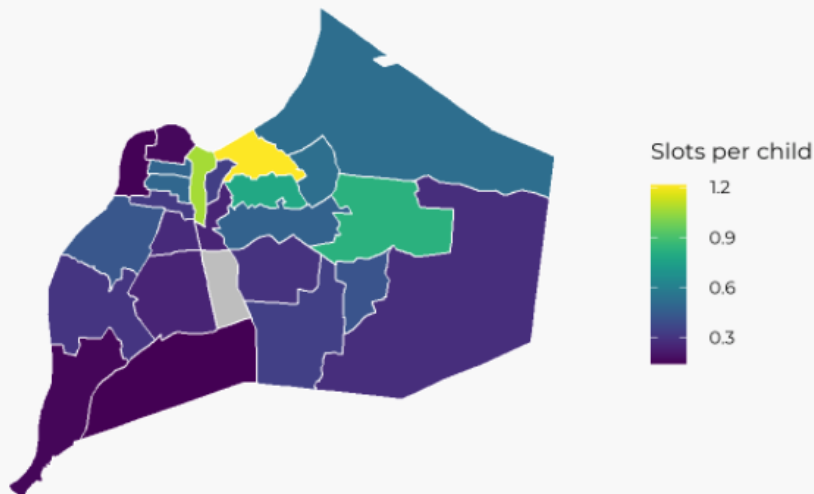
- Child Care Centers (8+)
- Conditional Use Permit (6+)
- In-Home Care Only (6 or fewer)
- Special Districts
- Industrial



# Data Review (Prior to Covid-19)



Child Care Slots per Child Ages 0 - 4  
Includes Infants, Toddlers, and Preschool Slots



Source: Greater Louisville Project  
Data from kynect and ACS Table B17001

The lowest ratio of available spaces per child 0-4 yrs. is in Southwest and West Louisville – 0.3 spaces available for every 1 child

# Data Review (Covid-19 Impact)

- **45%** - 45% of surveyed Kentucky parents had to quit a job, not take a job, or change jobs due to a lack of child-care, losing income and earning potential – Metro United Way
- **8%** - The number of childcare providers has decreased by 8% since the start of the pandemic – Greater Louisville Inc.
- **100,000** – 100,000 women have left workforce during pandemic due to child care issues and school closures – KY Chamber of Commerce



# Peer City Review

## 14 City Code Analysis

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Cincinnati	Nashville	Indianapolis	Austin	San Antonio
Portland	Seattle	Charlotte	Tucson	Hartford
Lexington	Minneapolis	Gainesville	Memphis	

**2021 Summer Internship – Brady Hill**

# State Requirements

Department of Community Based Services, Division of Child Care

## Licensed Early Childhood Provider Type I

- Child care services for 4 or more children in a non-residential setting or 13 or more children in a residential setting.

## Licensed Early Childhood Provider Type II

- Primary residence where childcare is regularly provided for 7-12 children including no more than 12 children related to the licensee.

# State Requirements

Department of Community Based Services, Division of Child Care

## **Certified Family Child Care**

- Care provided in a caregiver's own home for 6 or fewer children unrelated and no more than 4 related children at any time (total of 10 children).

## **Registered Early Childhood Professional**

- Typically a family member, friend or neighbor who cares for children in his or her own home or the child's home. A registered early childhood provider may not care for more than 3 children unrelated to the caregiver or more than 6 children if they are a sibling group.

# Public Outreach

- **Website:** <https://louisvilleky.gov/government/planning-design/changes-childcare-regulations>
  - Questionnaire

- **Press release** (9/29/21)
- **Virtual Open House** (10/5/21)
- **4 in-person events:**
  - Petersburg Park (10/9/21)
  - California Park (10/10/21)
  - Iroquois Park (10/12/21)
  - Hounz lane park (10/14/21)

- **GovDelivery**
- **USPS to child care providers unaffiliated with a school**
- **Social media notice**

- **Local Media Coverage**



Are you the operator or employee of a childcare program? Yes

If yes, how many children are enrolled in your childcare program? 6

Do you think that childcare is accessible to everyone in Jefferson County? No

What size of childcare program do you prefer? 10 or less children

Do you believe that childcare programs should be available in residential neighborhoods and/or commercial areas? Both

Please provide your comments and ideas:

I have been a state certified child care provider for 22 years. I looked into increasing my capacity to 12 children in my home from 6 and it was too expensive and to intense a process for me for zoning. I currently have about 10 people on a waiting list and people begging me for a spot. I would apply for more kids if it didn't cost so much, take so long or was such a laborious process. I have a wonderful home, driveway and space to be able to increase my child care size. I believe state certified child care programs should increase to 10 instead of 6 without any additional zoning or requirements. It would help alleviate the shortage of child care for children especially in Louisville.,

# Proposed Regulations

## Child Care Defined

- **Child Care** – Care for a child in a center or home that regularly provides full or part-time care, day and/or night, and includes developmentally-appropriate play and learning activities. This term includes nursery and kindergartens but does not include schools, care provided as an accessory to a school or provided during services conducted in a religious building. Child Care is further regulated by Kentucky Administrative Regulations Title 922 (922 KAR).
- **Child Care Home** – Child care for up to 12 children in a primary residential dwelling. The use shall be clearly incidental and secondary to the primary use as a residence.
- **Child Care Center** – Child care for any size group of children.



# Proposed Regulations

## Adult Care Defined

- **Adult Care Center** – Supervision and care regularly provided for adults during part of the day and less than 24 hours. This term includes adult day care, adult day health care, or Alzheimer's respite care. This term does not include family care home (mini-home), rehabilitation home, residential care facility, nursing homes and homes for the infirm or aged, assisted living residences, hospital, or clinic. Adult Care is further regulated by Kentucky Administrative Regulations Title 907 (907 KAR).

# Proposed Regulations - Permitted Locations

- **Child Care Homes**

- **Permitted in all zoning districts currently allowing home occupations:** R-R to OTF, TNZD
- Replaces home occupation standards

- **Child Care Centers**

- **Permitted:** R-8A through EZ-1, PRO, PEC, TNZD
- **Conditional Use Permit:** R-R to R-7, M-1 to M-3, TNZD
- **Permitted w/ Special Standards:** M-1 to M-3
- **Permitted w/ Special Standards:** R-R to R-7

## Current Regulations – Permitted Locations

- Home Occupations: R-R to OTF, TNZD

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	Single Family								Multi-family				Apt./Office																					
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Home occupations	C/PS	C/PS	C/PS	C/PS	C/PS	C/PS	C/PS	C/PS	C/PS	C/PS	C/PS	C/PS	C/PS	C/PS	C/PS	C/PS	C/PS	C/PS	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4.2.28 4.4.5

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R-852	R-853	R-854	R-855	R-856	R-857	R-858	R-859	R-860	R-861	R-862	R-863	R-864	R-865	R-866	R-867	R-868	R-869	R-870	R-871	R-872	R-873	R-874	R-875	R-876	R-877	R-878	R-879	R-880	R-881	R-882	R-883	R-884	R-885	R-886	R-887	R-888	R-889	R-890	R-891	R-892	R-893	R-894	R-895	R-896	R-897	R-898	R-899	R-900	R-901	R-902	R-903	R-904	R-905	R-906	R-907	R-908	R-909	R-910	R-911	R-912	R-913	R-914	R-915	R-916	R-917	R-918	R-919	R-920	R-921	R-922	R-923	R-924	R-925	R-926	R-927	R-928	R-929	R-930	R-931	R-932	R-933	R-934	R-935	R-936	R-937	R-938	R-939	R-940	R-941	R-942	R-943	R-944	R-945	R-946	R-947	R-948	R-949	R-950	R-951	R-952	R-953	R-954	R-955	R-956	R-957	R-958	R-959	R-960	R-961	R-962	R-963	R-964	R-965	R-966	R-967	R-968	R-969	R-970	R-971	R-972	R-973	R-974	R-975	R-976	R-977	R-978	R-979	R-980	R-981	R-982	R-983	R-984	R-985	R-986	R-987	R-988	R-989	R-990	R-991	R-992	R-993	R-994	R-995	R-996	R-997	R-998	R-999	R-1000	R-1001	R-1002	R-1003	R-1004	R-1005	R-1006	R-1007	R-1008	R-1009	R-1010	R-1011	R-1012	R-1013	R-1014	R-1015	R-1016	R-1017	R-1018	R-1019	R-1020	R-1021	R-1022	R-1023	R-1024	R-1025	R-1026	R-1027	R-1028	R-1029	R-1030	R-1031	R-1032	R-1033	R-1034	R-1035	R-1036	R-1037	R-1038	R-1039	R-1040	R-1041	R-1042	R-1043	R-1044	R-1045	R-1046	R-1047	R-1048	R-1049	R-1050	R-1051	R-1052	R-1053	R-1054	R-1055	R-1056	R-1057	R-1058	R-1059	R-1060	R-1061	R-1062	R-1063	R-1064	R-1065	R-1066	R-1067	R-1068	R-1069	R-1070	R-1071	R-1072	R-1073	R-1074	R-1075	R-1076	R-1077	R-1078	R-1079	R-1080	R-1081	R-1082	R-1083	R-1084	R-1085	R-1086	R-1087	R-1088	R-1089	R-1090	R-1091	R-1092	R-1093	R-1094	R-1095	R-1096	R-1097	R-1098	R-1099	R-1100	R-1101	R-1102	R-1103	R-1104	R-1105	R-1106	R-1107	R-1108	R-1109	R-1110	R-1111	R-1112	R-1113	R-1114	R-1115	R-1116	R-1117	R-1118	R-1119	R-1120	R-1121	R-1122	R-1123	R-1124	R-1125	R-1126	R-1127	R-1128	R-1129	R-1130	R-1131	R-1132	R-1133	R-1134	R-1135	R-1136	R-1137	R-1138	R-1139	R-1140	R-1141	R-1142	R-1143	R-1144	R-1145	R-1146	R-1147	R-1148	R-1149	R-1150	R-1151	R-1152	R-1153	R-1154	R-1155	R-1156	R-1157	R-1158	R-1159	R-1160	R-1161	R-1162	R-1163	R-1164	R-1165	R-1166	R-1167	R-1168	R-1169	R-1170	R-1171	R-1172	R-1173	R-1174	R-1175	R-1176	R-1177	R-1178	R-1179	R-1180	R-1181	R-1182	R-1183	R-1184	R-1185	R-1186	R-1187	R-1188	R-1189	R-1190	R-1191	R-1192	R-1193	R-1194	R-1195	R-1196	R-1197	R-1198	R-1199	R-1200	R-1201	R-1202	R-1203	R-1204	R-1205	R-1206	R-1207	R-1208	R-1209	R-1210	R-1211	R-1212	R-1213	R-1214	R-1215	R-1216	R-1217	R-1218	R-1219	R-1220	R-1221	R-1222	R-1223	R-1224	R-1225	R-1226	R-1227	R-1228	R-1229	R-1230	R-1231	R-1232	R-1233	R-1234	R-1235	R-1236	R-1237	R-1238	R-1239	R-1240	R-1241	R-1242	R-1243	R-1244	R-1245	R-1246	R-1247	R-1248	R-1249	R-1250	R-1251	R-1252	R-1253	R-1254	R-1255	R-1256	R-1257	R-1258	R-1259	R-1260	R-1261	R-1262	R-1263	R-1264	R-1265	R-1266	R-1267	R-1268	R-1269	R-1270	R-1271	R-1272	R-1273	R-1274	R-1275	R-1276	R-1277	R-1278	R-1279	R-1280	R-1281	R-1282	R-1283	R-1284	R-1285	R-1286	R-1287	R-1288	R-1289	R-1290	R-1291	R-1292	R-1293	R-1294	R-1295	R-1296	R-1297	R-1298	R-1299	R-1300	R-1301	R-1302	R-1303	R-1304	R-1305	R-1306	R-1307	R-1308	R-1309	R-1310	R-1311	R-1312	R-1313	R-1314	R-1315	R-1316	R-1317	R-1318	R-1319	R-1320	R-1321	R-1322	R-1323	R-1324	R-1325	R-1326	R-1327	R-1328	R-1329	R-1330	R-1331	R-1332	R-1333	R-1334	R-1335	R-1336	R-1337

Louisville

## Proposed Regulations - Permitted Locations

- Child Care Homes
  - Permitted in all zoning districts currently allowing home occupations: R-R to OTF, TNZD
  - Replaces home occupation standards
- Child Care Centers
  - Permitted: R-8A through EZ-1, PRO, PEC, TNZD
  - Conditional Use Permit: R-R to R-7, M-1 to M-3, TNZD
  - Permitted w/ Special Standards: M-1 to M-3
  - Permitted w/ Special Standards: R-R to R-7

# Proposed Regulations - Permitted Locations

- **Adult Care Center**

- **Permitted:** R-8A through EZ-1, PRO, PEC, TNZD
- **Conditional Use Permit:** R-R to R-7, M-1 to M-3, TNZD

# Proposed Regulations – Summary of CUP

R-R to R-7, M-1 to M-3, TNZD

- Revised LDC Sec. 4.2.19
- Child or Adult Care
- Maintain residential structures and potential future use as a residence or make improvements that are compatible with the neighborhood
- If proposed special standards cannot be met, a conditional use permits may be requested in industrial districts
- Pick-up/drop-off designation
- Parking Determination
- Outdoor activity restricted between 7 p.m to 7 a.m



# Proposed Regulations – Summary of Permitted w/ Standards for Industrial

M-1 to M-3

- Revised LDC Sec. 4.3.11
- Permitted on the same development site as a use permitted within the M-1, M-2, and M-3 zoning districts
- Independent Entry
- Use Restrictions
- Min. distance from heavy trucks and loading areas

# Proposed Regulations – Summary of Permitted w/ Standards for Residential

R-R to R-7

- New LDC Sec. 4.3.25
- Permitted Locations:
  - Existing non-residential structures, including religious buildings
  - Designated on a proposed major subdivision
  - Within a multi-family development site
  - Corner lots
- Existing residential structures shall remain and retain the ability for future use as a residence
- Any improvements must meet residential standards

# Proposed Regulations – Summary of Permitted w/ Standards for Residential

R-R to R-7

- Outdoor activity in rear yard or street side yard with fence
- No equipment in required street side yard over 4' in height
- Outdoor activity restricted to pick-up/drop-off between 7 p.m and 7 a.m
- Pick-up/drop-off designation
- Parking Determination

**Thank you!**

**Questions?**